

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM A. WHITMORE, #583812,

Petitioner,

v.

CASE NO. 2:22-CV-11810
HONORABLE SEAN F. COX

MELINDA BRAMAN,

Respondent.

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ORDER DENYING MOTION FOR REHEARING [ECF No. 9]

Michigan prisoner William A. Whitmore (“Petitioner”) filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state criminal proceedings. ECF No. 1. The Court dismissed the petition without prejudice on exhaustion grounds, denied a certificate of appealability, and denied leave to proceed in forma pauperis on appeal. ECF Nos. 7, 8. The matter is now before the Court on Petitioner’s motion for rehearing, which the Court construes as a motion to alter or amend judgment brought pursuant to Federal Rule of Civil Procedure 59(e), contending that the Court erred in dismissing his case. ECF No. 9.

“A district court may grant a Rule 59(e) motion to alter or amend if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.” *Henderson v. Walled Lake Consol. Sch.*, 469 F.3d 479, 496 (6th Cir. 2006). Such a motion may not be used to relitigate issues of disagreement with the Court’s initial ruling. *See Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008) (explaining that Rule 59(e) “allows for reconsideration; it does not permit parties to effectively ‘reargue a case’”); *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998) (“A motion under

Rule 59(e) is not an opportunity to reargue a case.”). The Court properly dismissed the habeas petition without prejudice on exhaustion grounds for the reasons stated in its opinion. Petitioner fails establish that the Court erred or that he is otherwise entitled to relief under the standards set forth in Rule 59(e). Accordingly, the Court **DENIES** Petitioner’s motion for rehearing. ECF No. 9. This case is closed.

IT IS SO ORDERED.

s/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated: October 6, 2022